

**AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MS. GOODLANDER OF NEW
HAMPSHIRE**

Add at the end of subtitle B of title VII the following new section:

1 **SEC. 7___.** **ENSURING PHARMACY BENEFIT MANAGER**
2 **TRANSPARENCY UNDER THE TRICARE PHAR-**
3 **MACY BENEFITS PROGRAM.**

4 Section 1074g(a) of title 10, United States Code, is
5 amended by adding at the end the following new para-
6 graph:

7 “(11)(A) Beginning on January 1, 2027, the Sec-
8 retary may not contract with a pharmacy benefit manager
9 under the pharmacy benefits program unless the phar-
10 macy benefit manager meets the following requirements:

11 “(i) Not later than one year after the date of
12 the enactment of this paragraph, and annually
13 thereafter, the pharmacy benefit manager (or an af-
14 filiate, subsidiary, or agent of the pharmacy benefit
15 manager) shall submit to the Secretary, and publish
16 on a publicly available website in a searchable for-
17 mat, information regarding any differences in reim-

1 bursement rates or practices, direct and indirect re-
2 muneration fees or other price concessions, and
3 clawbacks between—

4 “(I) pharmacies that are affiliates of the
5 pharmacy benefit manager; and

6 “(II) pharmacies that are not affiliates of
7 the pharmacy benefit manager.

8 “(ii) The pharmacy benefit manager shall dis-
9 close to the Secretary (in a form and manner speci-
10 fied by the Secretary), and publish on a publicly
11 available website in a searchable format, the amount
12 of any administrative fee they receive for each pre-
13 scription the pharmacy benefit manager processes
14 under the pharmacy benefits program.

15 “(B) In this paragraph:

16 “(i) The term ‘affiliate’ means any entity that
17 is owned by, controlled by, or related under a com-
18 mon ownership structure with, a pharmacy benefit
19 manager, or that acts as a contractor or agent to
20 such pharmacy benefit manager, if such contractor
21 or agent performs any of the functions described in
22 clause (ii).

23 “(ii) The term ‘pharmacy benefit manager’
24 means any person or entity that, either directly or
25 through an intermediary, acts as a price negotiator

1 or group purchaser on behalf of the pharmacy bene-
2 fits program, or manages the prescription drug ben-
3 efits provided under such program, including the
4 processing and payment of claims for prescription
5 drugs, the performance of drug utilization review,
6 the processing of drug prior authorization requests,
7 the adjudication of appeals or grievances related to
8 the pharmacy benefits program, contracting with
9 network pharmacies, controlling the cost of prescrip-
10 tion drugs, or the provision of related services. Such
11 term includes any person or entity that carries out
12 one or more of the activities described in the pre-
13 ceding sentence, irrespective of whether such person
14 or entity identifies itself as a ‘pharmacy benefit
15 manager’.’’.

